

ORDINANCE NO. 1042-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 150-034, INSTALLATION OF CENTRAL AIR CONDITIONING AND HEATING UNITS, POOL PUMPS AND EQUIPMENT, AND SPRINKLER PUMPS AND EQUIPMENT; BY PROVIDING AN ADDITIONAL SITE LOCATION FOR THE PLACEMENT OF SUCH EQUIPMENT ON NEWLY CONSTRUCTED PROPERTIES AND CLARIFYING THAT ALL APPROVED LOCATIONS ARE NOT TO BE WITHIN REQUIRED SETBACK AREAS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE

WHEREAS, since the amendment of Code Section 150-034 in 2006-2007 the mechanical equipment located outside of homes has been dramatically improved; and,

WHEREAS, the aforesaid equipment improvements have effectively reduced the operating "noise" of such equipment; and,

WHEREAS, it has also been determined that the location of such equipment provides energy saving consequences and more efficient equipment operation; and,

WHEREAS, a number of property owners of newly constructed homes have shown the inclination and desire to locate such equipment in specially designed side yard "niche" areas of the new structures; and,

WHEREAS, these special location areas lend themselves to the planting or installation of proper screening from the side yard areas of adjacent properties; and,

WHEREAS, the City Council has determined that it is in the best interests of the City and its citizens to expand the approved area for the location of mechanical equipment for newly constructed homes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 150-034, Installation of central air conditioning and heating equipment, pool pumps and equipment, and sprinkler pumps and equipment, is hereby amended as follows;

Sec.150-034. Installation of Central Air Conditioning and Heating Units, Pool Pumps and Equipment and Sprinkler Pumps and Equipment.

(A) *Location Property-New Construction* - Central air conditioning and heating units, pool pumps and equipment and sprinkler pumps and equipment to be installed in conjunction with the construction of new residential structures may only be located in the rear yard area of the homesites- or in the side yard areas of homesites. All side yard location areas shall also be required to be properly obscured and screened from view by the planting of appropriate landscaping materials or the installation of fences, walls, or other appropriate and approved screening materials. Nothing contained herein shall permit the location of any equipment or screening materials, except the planting of appropriate landscaping materials, within the required rear or side yard setback areas of the property.

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

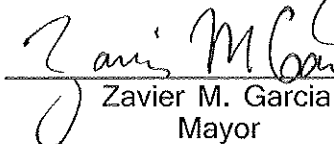
(THIS SPACE INTENTIONALLY LEFT BLANK)

PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 14th day of January, 2013.

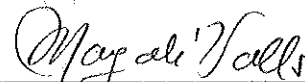
The motion to adopt the foregoing ordinance was offered on second reading by Councilman Best, seconded by Councilwoman Bain, and on roll call the following vote ensued:

Vice Mayor Ator	"no"
Councilman Best	"aye"
Councilwoman Bain	"aye"
Councilman Lob	"aye"
Mayor Garcia	"aye"




Xavier M. Garcia
Mayor

ATTEST:


Magali Valls, CMC
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading: 11-19-2012 – Tabled
Second first reading: 12-10-2012
Second reading: 01-14-2013

Words ~~-stricken through-~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.